

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Case No.: 2:23-cv-00764-JAD-DJA

Duston Miller,  
  
Plaintiff  
v.

**Order Granting Motions to Extend Time  
and to Seal Exhibit**

Charles Daniels, et al.,  
  
Defendants

[ECF Nos. 22, 23, 27, 31]

Pro se plaintiff Duston Miller sues several Nevada Department of Corrections officials for Eighth Amendment violations related to the Department's handling of the COVID-19 pandemic and First Amendment violations after an official retaliated against Miller for trying to file a grievance. Both parties move to extend the December 20, 2024, deadline to file dispositive motions by approximately 30 days.<sup>1</sup> I find good cause to extend that deadline *nunc pro tunc* to January 29, 2025. I thus deem timely the summary-judgment motion that the defendants filed on that date. Miller also moves for an extension of time to respond to that summary-judgment motion, citing a prison transfer and reduced law-library time as cause for the request.<sup>2</sup> Miller has shown good cause for a 30-day extension to respond, so I grant his extension motion.

The defendants move to file a summary-judgment exhibit containing Miller's medical records under seal.<sup>3</sup> "The public has a 'general right to inspect and copy public records and documents including judicial records and documents.'"<sup>4</sup> "Although the common law right of

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<sup>1</sup> ECF Nos. 22, 23.

<sup>2</sup> ECF No. 31.

<sup>3</sup> ECF No. 27.

<sup>4</sup> *In re Midland Nat. Life Ins. Co. Annuity Sales Practices Litig.*, 686 F.3d 1115, 1119 (9th Cir. 2012) (quoting *Nixon v. Warner Commcns., Inc.*, 435 U.S. 589, 597 (1978)).

1 access is not absolute, ‘[courts] start with a strong presumption in favor of access to court  
 2 records.’”<sup>5</sup> “A party seeking to seal judicial records [attached to a dispositive motion] can  
 3 overcome the strong presumption of access by providing ‘sufficiently compelling reasons’ that  
 4 override the public policies favoring disclosure.”<sup>6</sup> “When ruling on a motion to seal court  
 5 records, the district court must balance the competing interests of the public and the party  
 6 seeking to seal judicial records.”<sup>7</sup>

7 I have reviewed the sealed exhibit in camera, and I conclude that there are compelling  
 8 reasons to seal. The exhibit contains Miller’s medical records, and the need to protect medical  
 9 privacy is a compelling one that outweighs the public’s interest in access to that information. So  
 10 I grant the defendants’ motion to seal.

### 11 Conclusion

12 IT IS THEREFORE ORDERED that the parties’ motions to extend the dispositive-  
 13 motion deadline **[ECF Nos. 22 & 23] are GRANTED *nunc pro tunc*** to January 29, 2025.

14 IT IS FURTHER ORDERED that the defendants’ motion to seal **[ECF No. 27] is**  
 15 **GRANTED.** The Clerk of Court is directed to **MAINTAIN THE SEAL on ECF No. 28.**

16 IT IS FURTHER ORDERED that Miller’s motion for an extension of time to respond to  
 17 the defendants’ summary-judgment motion **[ECF No. 31] is GRANTED. Miller must file his**  
 18 **response by Friday, March 21, 2025.**

19   
 20 U.S. District Judge Jennifer A. Dorsey  
 21 February 20, 2025

22 <sup>5</sup> *Id.* (quoting *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003)).

23 <sup>6</sup> *Id.* (quoting *Foltz*, 331 F.3d at 1135).

<sup>7</sup> *Id.* (citing *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006)).